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Nicholas Kho, Owen Cook, and Amber Kho*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

TODD VANDEHEY, an individual,  
  
Plaintiff,

vs.

REAL SOCIAL DYNAMICS, INC., a Nevada  
corporation; NICHOLAS KHO, an individual;  
OWEN COOK, an individual; AMBER KHO, an  
individual, John Does 2 through 10, all whose true  
names are unknown; ABC Companies 1 through  
10, all whose true names are unknown,  
  
Defendants.

Case No.: 2:17-cv-02230-JAD-NJK

**JOINT PROPOSED DISCOVERY PLAN  
AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW  
REQUESTED**

Defendants, Real Social Dynamics, Inc., Nicholas Kho, Owen Cook, and Amber Kho (collectively “the Defendants”), by and through their counsel of record, the law firm MAIER GUTIERREZ & ASSOCIATES and Plaintiff, Todd Vandehey (“Plaintiff”), by and through his counsels of record, the law firms McDONALD CARANO LLP and NISSENBAUM LAW GROUP, LLC, hereby submit this proposed joint discovery plan and scheduling order.

**FRCP 26(f) Conference.** On December 11, 2017, Joseph A. Gutierrez, Esq. and Steven G. Knauss, Esq., as counsel for Defendants, and Steven L. Procaccini, Esq., as counsel for Plaintiff participated in a discovery and scheduling conference (the “Conference”) to discuss all of the issues

1 required by Federal Rule Civil Procedure 26(f). The parties' initial disclosures will be made by  
2 Monday, January 15, 2018, thirty-five (35) days after the conference with the parties stipulating in  
3 writing to a twenty-one (21) day extension.

4 The Parties now propose the following discovery plan:

5 1. **Discovery Cut-Off Date:** The proposed cut-off date for discovery shall be  
6 Wednesday, June 6, 2018, nine (9) months from the date of defendant's first  
7 appearance that occurred on September 6, 2017. The parties believe this longer  
8 discovery period is necessary and reasonable to address recent amendments to the  
9 complaint adding necessary parties.

10 2. **Amending the Pleadings and Adding Parties:** All motions to amend the  
11 pleadings or to add parties shall be filed no later than Monday, March 12, 2018, ninety  
12 (90) days prior to the proposed close of discovery.

13 3. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Disclosures concerning  
14 experts shall be made by Tuesday, April 10, 2018, sixty (60) days before the proposed  
15 discovery cut-off date. Disclosures concerning rebuttal experts shall be made by  
16 Monday, March 12, 2018, thirty (30) days after the initial disclosure of experts.

17 4. **Dispositive Motions:** The date for filing dispositive motions shall not be later  
18 than Friday, July 6, 2018, thirty (30) days after the proposed discovery cut-off date. In  
19 the event that the discovery period is extended from the discovery cut-off date set forth  
20 in this proposed discovery plan and scheduling order, the date for filing dispositive  
21 motions shall be extended to be not later than thirty (30) days from the subsequent  
22 discovery cut-off date.

23 5. **Pretrial Order:** The date for filing the joint pretrial order shall not be later  
24 than Monday, August 6, 2018, thirty (30) days after the cut-off for filing dispositive  
25 motions. In the event that dispositive motions are filed, the date for filing the joint  
26 pretrial order shall be suspended until thirty (30) days after the decision on the  
27 dispositive motions or until further order of the court. In the further event that the  
28 discovery period is extended from the discovery cut-off date set forth in this discovery

plan and scheduling order, the date for filing the joint pretrial order shall be extended in accordance with the time periods set forth in this paragraph.

6. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections hereto, shall be included in the joint pretrial order.

7. **Alternative Dispute Resolution:** The parties have a concurrent matter in arbitration in Clark County Nevada (JAMS), involving overlapping issues, facts, and claims. Plaintiff will file a motion to stay the arbitration proceedings by January 5, 2018.

8. **Alternative Forms of Case Disposition:** The parties have discussed the possibility of trial by the magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 but disagree as to whether this case is properly suited before the District Court as opposed to arbitration.

9. **Electronic Evidence:** The parties anticipate issues about disclosures or discovery of electronically stored information, if any, including the form or forms in which it should be produced. The parties will meet and confer and otherwise work in good faith with respect to the production of said electronically stored information should any further disputes arise.

10. **Interim Status Report:** The joint interim status report required by LR 26-3 shall be filed no later than Monday, April 8, 2018, or sixty (60) days prior to the close of discovery in the event that the discovery period is extended from the discovery cut-off date set forth in this discovery plan and scheduling order.

11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made pursuant to LR 26-4 and be supported by a showing of good cause, no later than twenty-one (21) days before the subject deadline.

12. **Subjects of Discovery.** The parties agree that discovery may be taken on any subjects permitted by the Federal Rules of Civil Procedure.

13. **Discovery Phases.** The parties do not believe it is necessary to conduct discovery in phases.

14. **Document Production.** All documents produced in this action will be delivered as either hardcopy documents or as single-page Tagged Image File Format (“TIFF”) or Portable Document Format (“PDF”) images unless the requesting party specifically requests that any responsive electronic documents be produced in native format.

15. **Protective Orders for Confidential Documents And/Or Information.** The parties have discussed the need for a protective order for confidential documents and/or information and will be working together to agree on the terms of a stipulated protective order if needed.

DATED this 21<sup>st</sup> day of December, 2017.

**MAIER GUTIERREZ & ASSOCIATES**

/s/ Steven G. Knauss

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Inc., Nicholas Kho, Owen Cook, and Amber Kho*

DATED this 21<sup>st</sup> day of December, 2017.

**NISSENBAUM LAW GROUP, LLC**

/s/Steven L. Procaccini

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DATED this 21<sup>st</sup> day of December, 2017.

**MCDONALD CARANO LLP**

*Approved by co-counsel Steven L. Procaccini*

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UNITED STATES MAGISTRATE JUDGE

DATED:

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